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Sixtieth session
Item 33 of the provisional agenda*
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 59/121 of 10 December 2004, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;
>
> "2. *Reiterates its demand* that Israel, the occupying Power, cooperate with the Special Committee in implementing its mandate;
>
> "3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;
>
> "4. *Expresses grave concern* about the continuing crisis situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of unlawful Israeli practices and measures, and especially condemns the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions, which has resulted in more than 3,400 Palestinian deaths, including those of more than 750 children, and tens of thousands of injuries;

* A/60/150.

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"5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

"6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

"7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

"8. *Requests* the Secretary-General:

"(*a*) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution;

"(*b*) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

"(*c*) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

"(*d*) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

"(*e*) To report to the General Assembly at its sixtieth session on the tasks entrusted to him in the present resolution;

"9. *Decides* to include in the provisional agenda of its sixtieth session the item entitled 'Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.'"

2. All necessary facilities were provided to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. The Special Committee met in Geneva from 18 to 24 March 2005 during the sixty-first session of the Commission on Human Rights and attended the debate on the items of the agenda devoted to the issue of Palestine. The Special Committee met again in Geneva on 24 June 2005 before undertaking its annual field mission to Egypt, Jordan and the Syrian Arab Republic from 25 June to 9 July 2005. During its two sessions in Geneva, the Special Committee held consultations with relevant representatives of permanent missions, United Nations

agencies, intergovernmental organizations, the International Committee of the Red Cross, as well as non-governmental organizations. Owing to restrictions imposed on the length of reports to the General Assembly, the Special Committee did not submit periodic reports during the period under review.

3. Pursuant to paragraph 8 (d) of resolution 59/121, the activities described below were undertaken.

Department of Public Information

4. The Department of Public Information, in pursuance of General Assembly resolution 59/121, disseminated information on the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories during the period covering August 2004 to July 2005, using various means of information dissemination at its disposal.

5. When the Special Committee undertook a field visit to Egypt in June 2005, the United Nations Information Centre in Cairo reached out to the media to publicize the visit. The Centre translated a press release on this mission and disseminated it to major Egyptian and Saudi newspapers as well as the news agencies based in Cairo. The Centre organized a press conference for the Special Committee on 29 June 2005. Twenty media representatives from major Egyptian and Arab newspapers attended. The Centre also arranged three exclusive interviews for Committee members with Egyptian newspapers. The mission's visit and activities were widely reported by the media.

6. The Meetings Coverage Section of the Department at Headquarters issued 14 press releases on the work of the Special Committee during the reporting period — 7 English and 7 French — including the Special Political and Decolonization (Fourth) Committee's consideration of the agenda item during the fifty-ninth session of the General Assembly. The United Nations Information Service at Geneva issued a press release on 24 June 2005 containing a statement by the Special Committee.

7. The United Nations website maintained the web page on the question of Palestine under the Global Issues page, with links to other pages, including the United Nations Information System on the Question of Palestine (UNISPAL) database. From January to July 2005, the web page on the question of Palestine received a total of 73,755 hits and 7,106 page views.

8. The United Nations News Centre, including its Arabic language version, regularly reported on the work of the Special Committee on its widely read website.

9. The *UN Chronicle* covered the work of the Special Committee in Issue 1, 2005, under its regular coverage of the Fourth Committee of the General Assembly. Its E-Alert on the Fourth Committee included the coverage of the Committee's deliberations during the reporting period, as well as its deliberations in earlier years, including references to the Special Committee.

10. The Department, in cooperation with the Ministry for Foreign Affairs of Egypt, organized the International Media Seminar on Peace in the Middle East in Cairo on 13 and 14 June 2005, at which the human rights situation of the Palestinian people was elucidated, in particular during a panel discussion among journalists.

The Department held a two-week workshop for Arab journalists in November/December 2004, which included sessions on the question of Palestine.

11. A brochure entitled *The United Nations and the Question of Palestine* (DPI/2257/Rev.2) was updated in February 2005. It adds the developments surrounding the construction of the wall in the Occupied Palestinian Territory. The Permanent Exhibit on Palestine at Headquarters (English) and at Geneva (French) was updated with the same content as the brochure.

12. A cultural exhibit entitled "Steadfast in Palestine" was organized at Headquarters in connection with the annual observance of the International Day of Solidarity with the Palestinian People. The exhibit, depicting the artistic versatility and resilience of the Palestinian people, featured a collection of different artistic media, including paintings, sculptures, photographs and installations, brought together by the League of Palestinian Artists. The exhibit was on display in the General Assembly Visitors' Lobby and remained open to the public from 29 November to 13 December 2004.

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 59/124 of 10 December 2004, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;
>
> "2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention, including the extrajudicial executions;
>
> "3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction of homes, properties, agricultural lands and vital infrastructure;

* A/60/150.

05-47144 (E) 060905

"4. *Expresses grave concern* at the use of suicide bombing attacks against Israeli civilians, resulting in extensive loss of life and injury;

"5. *Condemns* the events that occurred in the Jenin refugee camp in April 2002, including the loss of life, injury, widespread destruction and displacement inflicted on many of its civilian inhabitants;

"6. *Condemns also* the killing of Palestinian civilians and the widespread demolition of homes by Israel, the occupying Power, in the Rafah refugee camp in May 2004 and in the Jabaliya refugee camp in October 2004;

"7. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, respect human rights law and comply with its obligations;

"8. *Demands also* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in resolution ES-10/15 and resolution ES-10/13 of 21 October 2003, and that it cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall;

"9. *Stresses* the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

"10. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution."

2. On 14 July 2005, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the above-mentioned resolution.

3. No reply had been received at the time of the preparation of the present report.

4. In response to the note verbale sent to all permanent missions by the Secretary-General on 14 July 2005, the Permanent Mission of Cuba providing the following information.

5. The Government of Cuba placed great importance on the efforts of the United Nations system to promote the right of the Palestinian people to their own State, with East Jerusalem at its capital, and to end the Israeli occupation and secure a lasting peace that would restore the legitimate rights of the Palestinian people.

6. Cuba condemned the construction of the "Separation Wall" as one of the gravest breaches of the Fourth Geneva Convention. The sole purpose of the wall was to create an artificial frontier to further confine the population of the occupied territories. In this regard, the Government recalled the advisory opinion of the International Court of Justice.

7. Cuba also condemned the expansion of Israeli settlements, the construction of new ones, the confiscation of Palestinian land, the forced expulsion of the Arab population, the denial of freedom of movement and the demolition of dwellings. It further condemned the disproportionate use of force against civilians and the creation of a humanitarian crisis by Israel's treatment of the Palestinians.

8. Israel had been able to act with impunity because the United States had repeatedly used its veto in the Security Council. The Government of Cuba called upon the United Nations, and especially the Council, to assume its responsibilities and to act to restart the negotiations leading to a just and lasting peace in the region. It also called upon the Government of Israel to respect its obligations under international humanitarian law and international law.

9. It was the responsibility of the High Commissioner for Human Rights, her Office and the special procedures of the Commission on Human Rights to denounce the continuing genocide against the Palestinian people and to present recommendations for the respect of their human rights, beginning with the right to life. In that regard, the Government of Cuba considered it vital to carry out the actions mentioned in paragraph 5 of the Declaration on Palestine adopted by the XIV Ministerial Conference of the Non-Aligned Movement held in Durban, South Africa, on 19 August 2004.

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 59/122 of 10 December 2004, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;
>
> "2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;
>
> "3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions, and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004, to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

* A/60/150.

05-47150 (E) 120905

"4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions of its tenth emergency special session, including ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

"5. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution."

2. On 14 July 2005, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Government inform him of any steps it had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 14 July 2005 sent to all permanent missions regarding General Assembly resolutions 59/121, 59/122, 59/123, 59/124 and 59/125, the Secretary-General also drew the attention of all the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to paragraph 3 of resolution 59/122 and paragraph 6 of resolution 59/125.

5. In response to the Secretary-General's note verbale, the Government of Lebanon provided the following information.

6. The Government of Lebanon emphasized the applicability of the Fourth Geneva Convention and the General Assembly resolutions to the Golan Heights. It also reaffirmed that the real problem lay in the refusal by Israel to comply with international law and General Assembly resolutions, and believed that the implementation of those resolutions required greater efforts from the international community and the Security Council. It requested the Quartet to urge Israel to implement resolutions aiming at ending the occupation and achieving a just and lasting peace in the region.

7. Concerning resolution 59/121, the Government of Lebanon welcomed the Special Committee's visit last year and had assisted it in implementing its mandate. It called upon the Committee to continue investigating Israeli practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied since 1967, and to assist in the release of Arab detainees from Israeli jails.

8. Regarding resolution 59/122 and with reference to resolution No. 6487 dated 3 March 2005, adopted by the Arab League, the Government of Lebanon called for the convening of a meeting of the High Contracting Parties to the Fourth Geneva Convention and requested the protection of the Palestinians in the occupied territories.

9. Concerning resolutions 59/123, 59/124 and 59/125, the Government of Lebanon believed that Israel was responsible for their implementation.

10. the Government of Cuba also replied to the Secretary-General's note verbale. The substance of its response is reflected in the document submitted in pursuance of Assembly resolution 59/124.

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 59/123 of 10 December 2004, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;
>
> "2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;
>
> "3. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant Security Council resolutions;
>
> "4. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;
>
> "5. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures,

* A/60/150.

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including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

"6. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and property, particularly in the light of recent developments;

"7. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution."

2. On 14 July 2005, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The occupied Syrian Golan

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 59/125 of 10 December 2004, the operative part of which reads as follows:

> *"The General Assembly,*
>
> *"...*
>
> "1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, rescind forthwith its decision;
>
> "2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;
>
> "3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;
>
> "4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and from its repressive measures against the population of the occupied Syrian Golan;

* A/60/150.

05-47137 (E) 060905

"5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

"6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

"7. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution,"

2. On 14 July 2005, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 14 July 2005, the Secretary-General also drew the attention of Member States to paragraph 6 of General Assembly resolution 59/125.

5. Regarding the issue of human rights in the Occupied Syrian Golan, a note verbale dated 17 August 2005 was received from the Government of Lebanon, which is summarized below.

6. The Government of Lebanon restated its commitment to the values of human rights and justice emphasized in numerous United Nations resolutions. It considered the decision by Israel to impose its laws, jurisdiction and administration over the Occupied Syrian Golan null, void and without any legal effect.

7. The occupying Power, Israel, violated and refused to comply with those resolutions that would contribute to end the occupation and achieve a just and lasting peace. The continuing problem lay with the refusal by Israel to comply with international law. Lebanon, in support of Arab and international approaches to peace, called upon the Secretary-General to continue to urge the international community, especially the Quartet, to exert pressure on Israel to implement United Nations resolutions and withdraw completely from the occupied Syrian Golan and all other Arab occupied territories and to return to the 1967 borders. A just and lasting peace would then prevail in the region in accordance with international law, including Security Council resolutions 242 (1967) and 338 (1973), the Madrid Peace Conference and the Arab peace initiatives endorsed by the Arab Summit held in Beirut in 2002 with a view to establishing a sovereign, independent Palestinian State with Jerusalem as its capital and facilitating the return of Palestinian refugees to their homes.